IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WA.No. 1913 of 2007

AGAINST THE INTERIM ORDER IN I.A.10458/2007 IN WPC.21703/2007

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APPELLANT: PETITIONER

N.HASSAN, S/O. NAGUR MEERAN,
ANAKKAR VEEDU, ROSAPOOKANDAM,
KUMILY P.O.

BY ADV. SRI.DEVAN RAMACHANDRAN

RESPONDENTS: RESPONDENTS
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1. THE SUB INSPECTOR OF POLICE,
VANDANMEDU POLICE STATION,
IDUKKI DISTRICT.

2. THE INTELLIGENCE OFFICER,
SALES TAX INTELLIGENCE SQUAD,
NEDUMKANDAM.

3. RAHMAT NISA, D/O.ABBA SALI BABA,
PALLAR STREET, CUMBAM,
TAMIL NADU.

R1 & 2 BY SENIOR GOVERNMENT PLEADER SMT. MEERA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & HARUN-UL-RASHID, J.

W.A.No.1913 of 2007

Dated, this the 3rd day of August, 2007

JUDGMENT

H.L. DATTU, CJ.

Petitioner is the owner of vehicle bearing registration No.KL-6/1903. The only relief that was sought for by the petitioner in the writ petition was to direct respondents Nos.1 and 2 in the writ petition to release the vehicle of the petitioner. By way of interim relief the petitioner had requested this court to grant the main relief itself.

2. This court, taking into consideration the request of the petitioner, has directed the respondents to release the vehicle to the petitioner on obtaining appropriate security for an amount of Rs.89,880/-.

3. Petitioner thereafter has filed one more application with a request to the court to modify the interim order passed on 18th July, 2007. The learned Judge has modified the interim order and has directed the petitioner to offer bank guarantee for the amount as security for the release of the vehicle. Questioning the correctness or otherwise of these two interim orders, the petitioner is before us in the present appeal.

4. Normally this court will not interfere with the interim orders granted by a learned Single Judge unless those interim orders are either arbitrary or fully capricious. In the instant case the petitioner requested the court to direct the respondents to release the vehicle to him. The vehicle in question has been detained by the authorities for an offence under the provisions of the Kerala General Sales Tax Act. The petitioner wants the vehicle to be released. That can be done only if the petitioner furnishes appropriate security for the cash

amount which is demanded in the notice itself. Since the petitioner was pleading his inability to offer cash security, the court has thought it fit to direct the respondents to release the vehicle provided the petitioner offers bank guarantee. The said order passed by the learned Single Judge can, by no stretch of imagination, be characterised as arbitrary or illegal. In that view of the matter, interference with the interim orders passed by the learned Single Judge is not called for. Accordingly this writ appeal requires to be rejected and it is rejected. Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

HARUN-UL-RASHID,
JUDGE.

mt/DK.